

Applicant : Peter J. Neumayer  
Serial No. : 09/851,644  
Filed : May 9, 2001  
Page : 8 of 11

Attorney's Docket No.: 13914-005001 / 2002P00199 US

### REMARKS

The Applicant would like to thank the Examiner for the courtesies extended during the telephonic interview of January 10, 2005. During the interview, Walker, U.S. Patent No. 6,418,415, and proposed amendments to the claims were discussed.

Claims 11, 17-19, 22-24 and 26-28 are currently pending. Claims 1-10, 20-21 and 25 have been canceled. Claims 12-16 have been withdrawn. Claims 11, 17 and 22-24 have been amended in this response. Claims 26-28 are new.

#### Amendments to the Specification

The specification has been amended to correct two typographical errors. No new matter has been introduced by these amendments.

#### Rejections Under 35 U.S.C. § 101

Claims 11-19 and 22-24 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 11, 17, 22 and 24 are the independent claims in the group.

The amended independent claims each expressly recite a computer-implemented process. The remaining claims depend from these independent claims. Applicant submits that the pending claims, as amended, are directed to statutory subject matter. Accordingly, Applicant requests that the 35 U.S.C. § 101 rejection be withdrawn.

Support for the claimed processes being "computer-implemented" can be found throughout Applicant's original specification. For example, paragraph 0018 describes the aggregation engine as "[p]referably ... a Java application that resides on an electronic commerce system." Paragraph 0020 describes controlling parameters in the inbound interface of the aggregation engine as "[p]referably ... XML-based." Java applications and XML-based parameters are associated with *computer-implemented* processes. No new matter has been added by the aforementioned amendments.

Applicant : Peter J. Neumayer  
Serial No. : 09/851,644  
Filed : May 9, 2001  
Page : 9 of 11

Attorney's Docket No.: 13914-005001 / 2002P00199 US

Rejections Under 35 U.S.C. § 102

Claims 11-17 and 22-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Walker, U.S. Patent No. 6,418,415. Claims 11, 17, 22 and 24 are the independent claims in the group. Applicant respectfully submits that the amended claims are not anticipated by Walker and are in a condition for immediate allowance.

As amended, each of the independent claims recites a computer-implemented process that generates a purchase document for use by a seller. In claim 11 and claim 24, the purchase document is for an order volume that would fulfill the aggregated demands included in at least one group. In claim 17 and claim 23, the purchase document is for an order volume that would fulfill the aggregated demands included in at least one coalition. Thus, the claimed processes receive data relating to demands, validate and process the data to form at least one group of aggregated demands, and generate a purchase document relating to the aggregate demands. This is thus a demand-driven system.

Walker takes an entirely different approach, and operates as a broker-driven system. Walker receives individual demands from buyers and receives indications of available goods or services from sellers. The Walker system then simply matches the two, acting as a broker. It does not aggregate the demands and generate a purchase document for those demands. Instead, it simply links each purchaser with available inventory from a seller. The buyer must, therefore, give up control over the identity, price, and/or timing of the demand. For example, the buyer may be forced to permit the selection of a number of different items—some of which the buyer really does not desire—because the Walker system does not generate an order for the buyer. This requirement for the buyer to give up control is one reason such “reverse-auction” services do not have universal appeal among buyers.

Because Walker does not teach or suggest generating a purchase document for aggregated demands and also does not disclose any sort of procurement system, Walker does not anticipate the subject matter of the amended independent claims. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 102(e) be withdrawn. The rejected dependent

Applicant : Peter J. Neumayer  
Serial No. : 09/851,644  
Filed : May 9, 2001  
Page : 10 of 11

Attorney's Docket No.: 13914-005001 / 2002P00199 US

claims are even more different from Walker than are the independent claims, and for this reason, Applicants submit that they too are in condition for immediate allowance.

Written description support for the amendments can be found throughout Applicant's original specification. For example, paragraph 0040 on pages 14-15 describes generating a purchase document. No new matter has been added.

#### Rejections Under 35 U.S.C. § 103

Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker, U.S. Patent No. 6,418,415. These claims depend from claim 17, which Applicant submits is patentable for the reasons discussed above. Accordingly, Applicant requests that the rejection under 35 U.S.C. § 103(a) be withdrawn.

#### New Claims 26-28

New claims 26-28 depend from independent claim 11 and are believed to be patentable for substantially the same reasons described above in connection with claim 11. Written description support for claims 26-28 can be found throughout Applicant's original specification. For example, claim 11 as originally filed recites outputting output data indicative of at least one group. Paragraph 0040 on pages 14-15 describes creating a shopping basket and creating a purchase order in two steps, allowing "[t]he result ... [to] be reviewed by the user" before the purchase order is generated. Paragraph 0017 on page 5 describes a "flexible user-defined aggregation rule." Paragraph 0045 on page 16 describes creating a purchase document after a "predetermined time period has expired." No new matter has been added by the new claims.

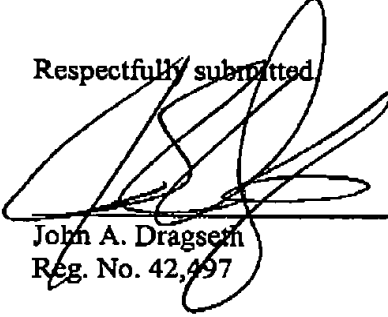
• Applicant : Peter J. Neumayer  
Serial No. : 09/851,644  
Filed : May 9, 2001  
Page : 11 of 11

Attorney's Docket No.: 13914-005001 / 2002P00199 US

In view of the Amendment and Remarks herein, the application is believed to be in condition for allowance, and reconsideration is requested. Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 2-14-05

  
John A. Dragseth  
Reg. No. 42,497

Fish & Richardson P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

60252518.doc